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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,874	08/02/1999	HERMANN BUJARD	402162000200	1745

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EXAMINER

DUFFY, PATRICIA ANN

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

09/26/98	874	Bogard	
SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	28

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The amendment filed on 3-11-03 is not fully responsive to the prior Office action because the amendment to the claims can not be entered because no clean copy has been provided. At page 5 of Applicants' response, Applicants indicated that a clean copy of the claims was provided above, however pages 3 and 4 of the response are the marked up version of the claims. A clean copy of the claims is needed. Further, the amendment can not be treated pursuant to the revised format now permitted because it is not in compliance with section III.A.2. that requires changed to the amended claim by underlining and strike through (see attached example from the USPTO website). Correction is required.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy, Ph.D. whose telephone number is (703) 305-7555. The examiner can normally be reached on Sunday-Thursday from 9:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached at (703) 308-3909.

Patricia A. Duffy  
May 24, 2003

*Pat A. Duffy*  
Patricia A. Duffy, Ph.D.  
Primary Examiner  
Group 1600



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## Amendments in a Revised Format Now Permitted

**Office of Patent Legal Administration << Pre-OG Notices << << Amendments in a Revised Format Now Permitted**

The United States Patent and Trademark Office (USPTO or Office) is permitting applicants to submit amendments in a revised format as set forth herein. The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

The revised amendment format is an expansion of the special amendment process instituted for a prototype Electronic File Wrapper program described in USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"). The special amendment process (which was limited to claims) has proven overwhelmingly acceptable to applicants participating in the prototype and beneficial to examiners. The revised amendment format provides for amendments to be made to the specification and the drawings in addition to the claims.

Effective immediately, all applicants, including applicants participating in the prototype, may submit amendments using the revised amendment format set forth herein. Applicants may wish to submit all amendments in the revised amendment format because: (1) it will facilitate transition to a revised amendment format when it becomes mandatory, (2) inconsistent versions of claim amendments (clean and marked-up) will be avoided, and (3) time and resources will be saved.

**WAIVER of 37 CFR 1.121**

The provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments to the **claims, specification, and drawings** in all applications in all Technology Centers where the amendments comply with the revised amendment format detailed below. Note: The revised amendment format (and the waiver) does **not** apply to 37 CFR 1.121(h) and (i) which indicate that amendments to reissue applications and reexamination proceedings are governed by 37 CFR 1.173 for reissue applications and 37 CFR 1.530 (d)-(k) for *ex parte* and *inter partes* reexaminations.

In addition, the WAIVER indicated in the above mentioned Prototype Announcement for the limited (claims only) amendment process of that prototype is also expressly continued and amendments in applications (other than reissue applications) in all Technology Centers that comply with the requirements in that announcement will be acceptable.

**REVISED AMENDMENT FORMAT****I. Begin Sections on Separate Sheets:**

Each section of an amendment paper (e.g., Amendments to the Specification, Amendments to the Claims, Remarks) shall begin on a separate sheet to facilitate separate indexing and electronic scanning of the document.

For example, each of the following four sections of an amendment paper must start on a separate sheet:

- a.) Introductory Comments
- b.) Amendments to the Specification
- c.) Amendments to the Claims
- d.) Remarks

The requirement to provide two versions of a replacement paragraph, section, or claim (a clean version and a marked up version), as set forth in current 37 CFR 1.121, is waived where the format set forth below is followed.

**A. A Complete Listing of Claims is Always Required:**

### 1. Ascending Order and Status Identifier Required

## 2. Markings in Currently Amended Claims Required

### 3. Only Clean Text Required for Other Claims Under Examination.

The text of pending claims *not being currently amended* that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

#### 4. Status to Effect Claim Cancellation or Addition.

A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #\_) and (re-presented - formerly dependent claim #\_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

### 5. When Grouping of Claims is Permitted.

Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

**6. Use "Currently Amended" Status Where Applicable.**

If any "previously reinstated" or "previously re-presented" claim is being amended, the status shall be indicated as "currently amended" with markings as indicated in paragraph A2, above. Multiple status identifiers should not be used for any single claim.

**B. Status Identifiers that May be Used:**

In order to promote uniformity and consistency, only the following eleven (11) defined status identifiers should be used to indicate the status of the claims (in parentheses after the claim number):

- |   |   |
|---|---|
| 1. (Original):  | Claim filed with the application following the specification (i.e., not added by preliminary amendment).    |
| 2. (Currently amended):                                     | Claim being amended in the current amendment paper.   |
| 3. (Previously amended):                                    | Claim not being currently amended, but which was amended in a previous amendment paper.                     |
| 4. (Cancelled):   | Claim cancelled or deleted from the application.  |
| 5. (Withdrawn):   | Claim still in the application, but in a non-elected status.  |
| 6. (Previously added):                                      | Claim added in an earlier amendment paper.  |
| 7. (New):   | Claim being added in the current amendment paper.   |
| 8. (Reinstated - formerly claim # <u>  </u> ):              | Claim deleted in an earlier amendment paper, but re-presented with a new claim number in current amendment. |
| 9. (Previously reinstated):                                 | Claim deleted in an earlier amendment and reinstated in an earlier amendment paper.                         |
| 10. (Re-presented - formerly dependent claim # <u>  </u> ): | Dependent claim re-presented in independent form in current amendment paper.                                |
| 11. (Previously re-presented):                              | Dependent claim re-presented in independent form in an earlier amendment, but not currently amended.        |

#### C. Example of Listing of Claims:

Claims 1-5 (cancelled)  
 Claim 6 (withdrawn)  
 Claim 7 (previously amended): A bucket with a handle.  
 Claim 8 (currently amended): A bucket with a green blue handle.  
 Claim 9 (withdrawn)  
 Claim 10 (original): A bucket with a wooden handle.  
 Claim 11 (cancelled)  
 Claim 12 (new): A bucket with plastic sides and bottom.  
 Claim 13 (previously added): A bucket having a circumferential upper lip.  
 Claim 14 (re-presented - formerly claim 11): A black bucket with a wooden handle.

#### IV. Amendments to the Specification

Amendments to the specification are to be made by presenting replacement paragraphs, sections, or a substitute specification marked up to show changes made relative to the immediate prior version, as set out in 37 CFR 1.121(b). The changes should be shown by strikethrough (for deleted

matter) or underlining (for added matter). No accompanying "clean" version shall be supplied. The amendments to the specification shall be presented only one time, and will not appear in successive amendment documents.

#### V. Amendments to the Drawings

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

For further information on the prototype image electronic processing of patent applications, please contact the Search and Information Resources Administration at: [image.processing@uspto.gov](mailto:image.processing@uspto.gov). Any questions regarding the submission of amendments pursuant to the revised practice set forth in this notice should be directed to Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage (<mailto:Joseph.Narcavage@uspto.gov>). For information on the waiver or legal aspects of the program, please contact Jay Lucas ([Jay.Lucas@uspto.gov](mailto:Jay.Lucas@uspto.gov)) or Rob Clarke ([Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov)).

Date: 1/31/03

Signed: /s/  
STEPHEN KUNIN  
Deputy Commissioner for Patent  
Examination Policy

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